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Implementation of recommendations on the six mandated areas of the Forum and on the Millennium Development Goals

Information received from the United Nations system and other intergovernmental organizations**

International Labour Organization

Summary

The present submission of the International Labour Organization (ILO) to the United Nations Permanent Forum on Indigenous Issues at its sixth session (May 2007) outlines the current status of a number of ILO projects and programmes addressing indigenous issues. This report brings together information and inputs relevant to indigenous and tribal peoples from different programmes within ILO, following up on those relevant to poverty reduction strategies and the redefinition of the Millennium Development Goals and focusing on those relevant to territories, lands and natural resources. A number of suggestions and recommendations are also included.

* E/C.19/2007/1.

** The submission of the present document was delayed to ensure the inclusion of up-to-date information.

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I. Recommendations addressed exclusively to the International Labour Organization

1. There were no recommendations addressed exclusively to the International Labour Organization (ILO).

II. Recommendations addressed to one or more agencies

2. Below are brief responses to the recommendations of relevance to ILO. These responses are not extensive but, where necessary, references to further information sources are included. Most of the information pertaining to these recommendations is included under other subject headings in the present report in order to avoid duplication and ensure proper contextualization. A number of the recommendations have been grouped into thematic areas and the responses are provided according to these general areas.

A. Recommendation No. 40

3. The ILO Declaration on Fundamental Principles and Rights at Work and the Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples have encouraged research on the inclusion of indigenous peoples' needs and priorities in poverty reduction strategy papers. In 2007, with funding from the Danish Government, the Project has initiated a new one-year project to promote the practical inclusion of indigenous peoples in the poverty reduction strategy paper processes in Cambodia, Cameroon and Nepal. The aim of the project is that good practices and lessons learned for including indigenous peoples' needs and priorities in the poverty reduction strategy paper processes are documented and disseminated to governments, the Permanent Forum and the Inter-Agency Support Group for the Permanent Forum. Detailed information can be found in section IV.B.3 of the present document.

B. Recommendations Nos. 83 and 84

4. An international seminar on indigenous peoples living in isolation or experiencing initial contact in the Amazon and Gran Chaco region was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Vice-Ministry of Lands in Bolivia, the International Work Group for Indigenous Affairs and the Confederation of Indigenous Peoples of Bolivia from 20 to 22 November 2006. An ILO specialist participated in the workshop and made a presentation of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169) and its relation to indigenous peoples living in voluntary isolation.

C. Recommendations Nos. 108, 116, 117

5. The Project to Promote ILO Policy on Indigenous and Tribal Peoples has been undertaking a number of activities in the African region that respond directly to the above recommendations. These activities include elements of longer-term projects

or processes with specific objectives, outputs and results. The following are examples of such activities (further information is provided in subsequent sections of the present report):

(a) Project to undertake research on constitutional, legislative and administrative measures of relevance to indigenous peoples in Africa. This project constitutes a collaboration between ILO, under the Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples, and the working group on indigenous populations/communities of the African Commission on Human and Peoples' Rights. The research under this project is implemented with the collaboration of the Centre for Human Rights of the University of Pretoria. The project began in 2006 and a workshop was held in Yaoundé in September 2006 to determine the scope and methodology of the research project. Further information can be found in section IV.B.4 of the present report;

(b) National project to build capacity on indigenous issues and integrate the concerns of indigenous peoples into national poverty reduction efforts. As follow-up to the recommendations of a number of research initiatives and national workshops in Cameroon during 2004 and 2005, the above-mentioned project was officially launched in November 2006 with a workshop to identify priority areas and potential partners for the project. Further information on this project is contained in section IV.B.6 of the present report;

(c) Subregional training on indigenous issues in Central Africa: instruments and good practices. In collaboration with the ILO International Training Centre in Turin, Italy, the Project held a one-week subregional training on indigenous issues in Yaoundé, in November 2006. The training constitutes a component of the Project's regional training strategy, and was attended by representatives of governments, indigenous peoples and non-governmental organizations. Further information is contained in section IV.B.2 of the present report.

D. Recommendation No. 136

6. A number of initiatives undertaken by ILO have responded to this recommendation, including trainings and awareness-raising activities at the international, regional and national levels. For example, a subregional training on indigenous issues was conducted in Central Africa in November 2006, a regional training was conducted in Chiang Mai, Thailand, in June 2006, and an international training was conducted in Turin in September 2006. Further details of these trainings are contained in section IV.B.2 of the present report. The Project also contributes to the training of English, French, Russian and Spanish-speaking indigenous fellows of OHCHR.

7. Furthermore, a number of efforts are aimed at engaging in a process of capacity-building for different target groups at national and local levels, within the context of existing national projects on indigenous issues. Examples of this are projects in Cameroon, Cambodia, Honduras and Nepal under the Project to Promote ILO Policy. Further information about these national efforts is contained in section IV of the present report.

8. Within the context of these training and awareness-raising initiatives and processes, tools and guidelines are being, or have been, developed for diversified

target groups on a broad range of issues pertaining to indigenous peoples. Examples of tools produced during 2006 include a handbook on combating child labour among indigenous and tribal peoples and a set of publications on the Millennium Development Goals, based on case studies from Bolivia, Cambodia, Cameroon and Guatemala.

III. Obstacles to implementation of the recommendations of the Permanent Forum

9. In its response to the Permanent Forum, ILO has emphasized those elements of its activities and strategies that respond most directly to the various recommendations, but that also constitute elements of broader and longer-term processes in which ILO is engaging in order to promote the principles of Convention No. 169. ILO highlights that, in order for the Forum's recommendations to have a sustainable impact, it is important that its recommendations foresee results-oriented processes, as opposed to a number of individual activities. In this regard, it is also important to ensure that recommendations refer to a limited number of key subject areas, in order to ensure the feasibility of results and follow-up in the context of longer-term processes.

IV. Other information regarding recent policies, programmes, and activities within the ILO

10. Many of the activities outlined below are covered in more detail in the most recent ILO *Newsletter on Indigenous and Tribal Peoples* (see www.ilo.org/indigenous) which is available in hard copy from the Project to Promote ILO Policy on Indigenous and Tribal Peoples.

A. International Labour Organization advisory group on indigenous issues

11. The ILO advisory group was established in 2005 to ensure the coordination of activities among the various ILO departments and field offices addressing indigenous and tribal peoples' issues. The group is instrumental for making the linkages between indigenous and tribal peoples' issues and the core areas of the ILO mandate and work more evident. As such, the advisory group plays an important role in the broader agenda of mainstreaming indigenous and tribal peoples' concerns into all areas of the work of ILO.

12. ILO has recently initiated work to raise awareness of the potential of using the Convention concerning Discrimination in Respect of Employment and Occupation of 1958 (No. 111) as a framework for promoting and protecting indigenous and tribal peoples' right to decent work, respecting their specific rights, needs and aspirations. The objective to raise awareness of Convention No. 111 and its linkages with the provisions of Convention No. 169 among indigenous peoples' representatives and ILO constituents. The combined framework offered by these Conventions in terms of discrimination against indigenous peoples in employment and occupation addresses both the application of individual rights (of women and

men) and collective rights (of indigenous peoples). See section IV.E of the present report for more information on studies on discrimination against indigenous women and section IV.D.3 for initiatives to address discrimination against indigenous peoples' traditional occupations.

1. Update concerning the supervision of International Labour Organization conventions

13. At its 2006 session, the ILO Committee on the Application of Conventions and Recommendations examined the application of Convention No. 169 by Argentina, Colombia, Ecuador, Fiji, Guatemala and Paraguay. The comments issued in respect of those countries encourage their Governments to put in place an appropriate framework for the application of the Convention, based on a coordinated and systematic policy of consultation and participation. The Committee stressed the potential of the Convention as a tool for dialogue to address important issues such as natural resources. Under the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries of 1957 (No. 107), the Committee examined the situation in Pakistan requesting the Government to indicate how it ensures the participation and consultation of tribal peoples in the context of its plans to bring tribal areas within the coverage of national economic and social policies.

2. Issues raised by the ILOC Committee on the Application of Conventions and Recommendations

14. The Committee noted a number of positive developments in Argentina, inter alia, efforts to develop a systematic and coordinated policy. It noted the adoption of Act No. 26160 that forbids, during a period of three years, the withdrawal of indigenous peoples' land based on judiciary decisions and orders by the Government to regularize indigenous lands during this period. The Committee also noted that within the national legal system, Convention No. 169 is directly applicable and that its provisions had been successfully invoked before the courts by indigenous organizations.

15. The Committee dealt with natural resources and consultations in Colombia. It noted with satisfaction that the Government has recognized that afro-descendants from Curbaradó and Jiguamando are covered by the Convention and asked the Government whether this recognition extends to other afro-descendant communities that face difficulties due to the exploitation of their lands by palm oil companies. In respect of the situation of the U'wa people, the Committee emphasized the need to build trust and to making further progress in response to a specific request made by the Government.

16. The Committee dealt with the lack of institutional capacity to improve the application of the Convention in Paraguay, insisting on consultation in order to elaborate a new law; and with regard to indigenous forced labour in the Chaco region, stressed the need to strengthen the new office of labour inspection.

17. In a number of comments under Convention No. 111, the Committee dealt with the discrimination and lack of opportunities faced by indigenous and tribal peoples in respect of employment and occupation, including regarding the exercise of traditional livelihood activities. Comments were issued with regard to countries such as Australia, Argentina, Bangladesh, Burundi, Cameroon, Canada, Chile,

El Salvador, Guatemala and Guyana. The Committee, inter alia, sought to encourage Governments to assess the situation of indigenous and tribal peoples concerning their access to training and work and to review and monitor the impact of laws and policies concerning these matters on indigenous and tribal peoples.

B. Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples

18. The Project works at different levels to promote the development of policies for the protection of indigenous and tribal peoples' rights, based on ILO Convention No. 169, and to build capacity for the implementation of such policies.

19. The Project is located within the International Labour Standards Department. The Department aims to link the information and experiences developed through the ILO supervisory mechanisms with technical cooperation to assist countries in implementing international labour standards, including ILO Conventions Nos. 107 and 169. The Project receives financial support from the Danish Government and from the European Initiative for Democracy and Human Rights of the European Union.

1. Exchange of experiences on the implementation of the principles of Convention No. 169

20. The project aims at documenting and disseminating lessons learned and good practices for the implementation of the principles of ILO Convention No. 169 on a global scale. In 2006, a series of regional consultations with governments and indigenous organizations in Africa, Asia and Latin America were held, which permitted ILO to identify partners who are currently undertaking research on good practices related to the implementation of Convention No. 169. The research covers impact assessments, constitutional reform and development of legislation, self-management, land rights and natural resources, customary law, conflict prevention and resolution, development cooperation, employment and traditional economies, health and education. The results of the research will be used to discuss and disseminate best practices and lessons learned, with particular focus on consultation and participation.

2. Training

21. The Permanent Forum and others have identified institutional capacity-building as a key area for supporting the implementation of indigenous peoples' rights. In response to this, but also as part of its broader mainstreaming and training strategy, the Project organized two regional and one international training in 2006. It also contributed to English, French, Russian and Spanish training programmes in Geneva for the indigenous fellows of OHCHR. In addition, training activities were undertaken at national and local levels as integral components of longer-term processes to address indigenous issues. The examples cited here are of the regional and international training activities. National-level capacity-building efforts are outlined in sections IV.B.4 to IV.B.7 of the present report (full reports can be found at www.ilo.org/indigenous).

Regional training for professional staff in Asia, 26 to 30 June 2006

22. This training constituted a collaboration between ILO, the Asia Indigenous Peoples Pact Foundation (AIPP) and the International Work Group for Indigenous Affairs. Each partner in the training brought its experience in specific areas to the table. ILO has an extensive work in international labour standards and in linking technical cooperation to normative frameworks. AIPP, by virtue of being the only regional indigenous peoples' formation in Asia, has a pivotal role in articulating the perspectives, issues and situations of the indigenous peoples. The Work Group has long been an indigenous peoples' support group at the international and regional levels and has contributed in surfacing broad perspectives on human rights and development issues affecting indigenous peoples.

23. Asia was chosen as a priority region for several reasons:

- The majority of the world's indigenous peoples live in Asia
- The understanding of indigenous issues in many Asian countries is still weak
- Indigenous issues are often regarded as "sensitive" in the region and thus require substantial institutional capacity to be handled constructively
- Most indigenous peoples in Asia are facing rapid and overwhelming changes in their societies and livelihood strategies, which generally leaves them vulnerable to poverty and other forms of marginalization and exploitation such as hazardous work, trafficking and child and forced labour
- In many Asian countries, conflict situations have been fuelled by a lack of consultation and participation of indigenous peoples and widespread poverty and unemployment.

24. The training brought together indigenous resource persons, international experts, government, donors and agency staff working at the levels of policy dialogue and development and field implementation. The subject areas covered by the training were identifying and understanding the main issues of Asian indigenous peoples; the main policy instruments and challenges related to promotion and implementation; international and regional processes and movements; rights-based approaches to poverty reduction, economic development and employment in indigenous communities; methodologies for indigenous peoples' participation in project design, implementation, monitoring and evaluation; peacebuilding and conflict resolution; natural resource management; gender in indigenous communities; and indigenous children and youth.

Interregional training in Turin, Italy, September 2006

25. This training constituted a collaboration between the Project and the ILO International Training Centre in Turin. The overall objective of the training was that selected national and international professional staff would have the capacity to promote and apply indigenous peoples' rights in the context of policy development and dialogue and technical cooperation programmes. The participants were national and international officers and civil society representatives involved in the promotion of policies, strategies and projects concerning tribal and indigenous peoples. Specifically, the training aimed to enable participants to:

- Identify the particular indigenous issues relevant to the country, region and/or thematic area of work
- Have an overview of main policies, legislation, resources, institutions, processes and networks relevant to indigenous and tribal peoples
- Provide training and policy advice on indigenous peoples' rights
- Integrate indigenous peoples' rights in broader policies and programmes
- Ensure the effective participation of and culturally appropriate responses to indigenous peoples in work of relevance to them.

Subregional training for Central Africa, November 2006

26. A subregional training on indigenous issues was held in Yaoundé in November 2006. This training constituted a collaboration between the International Training Centre in Turin, the ILO Subregional Office for Central Africa and the Great Lakes in Yaoundé and the Project. The training brought together representatives of governments, indigenous peoples and civil society organizations from seven countries in the Central African region to focus on issues of specific relevance to the "Pygmy" peoples of the region.

27. The overall objective of the training was to enable participants to contribute to the promotion and application of the principles of ILO Convention No. 169. More specifically, the training's objectives were: identifying the priority issues affecting indigenous peoples in the subregion; encouraging the integration of the principles of ILO Convention No. 169 into policy and other programmes and initiatives affecting indigenous peoples in the subregion; and to facilitate the establishment of subregional and national dialogues on the rights of indigenous peoples.

28. The training was comprised of five main elements and included a number of issues that are especially pertinent for the indigenous peoples of the region. Specific sessions were included on the subjects of protected areas, identification issues, discrimination at work and other core issues of relevance to indigenous peoples in general.

Future perspectives

29. In 2007 and 2008, capacity-building of indigenous, government and development partners continues to be a main priority for ILO assistance. Four training seminars will be held, in Turin, Latin America, South Asia and Africa. ILO will also continue to contribute to staff training of partners such as the European Commission and the Spanish International Cooperation Agency. In addition, ILO will continue its contribution to the fellowship programme coordinated by OHCHR and to national-level capacity-building efforts in several countries in Asia, Africa and Latin America.

3. Poverty reduction strategy paper studies and project

30. ILO has consistently worked to include the "decent work" agenda into national poverty reduction strategy papers aiming at alleviating poverty in the poorest countries of the world. Within this framework, the Declaration on Fundamental Principles and Rights at Work and the Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples have specifically focused on

the inclusion of indigenous peoples' needs and priorities in the papers, inter alia through a desk review of 14 papers and case studies of country processes in Nepal, Cambodia and Cameroon.

31. The research completed has been crucial for generating debate on the inclusion of indigenous peoples' needs and priorities in poverty reduction strategies. However, in order to ensure follow-up at the country-level, ILO has initiated a new project to promote the practical inclusion of indigenous peoples' issues in the poverty reduction strategy paper processes in Cambodia, Cameroon and Nepal.

32. The overall objective of the project is that good practices and lessons learned for including indigenous peoples' needs and priorities in the poverty reduction strategy paper processes are documented and disseminated. The immediate objectives are that:

- Indigenous peoples' needs and priorities for poverty reduction are identified and discussed in three pilot countries (Cambodia, Cameroon and Nepal)
- Country-specific strategies for including indigenous peoples' needs and priorities in poverty reduction programmes of the pilot countries are developed, including the establishment of mechanisms for consultation and monitoring
- The pilot experiences are documented and more general good practices and lessons learned are identified.

33. The project aims at generating experiences and lessons learned that can inform the inclusion of indigenous peoples in the poverty reduction strategy papers at a more general level. The outcomes of the project will thus be shared with a large number of stakeholders, including governments, indigenous organizations, the Permanent Forum and the Inter-Agency Support Group.

4. Promotion of the rights of indigenous peoples in Africa through documentation and discussion of relevant legal and constitutional provisions

34. As indicated in section II of the present report, a three-year research project with the working group on indigenous populations/communities of the African Commission on Human and Peoples' Rights began in 2006. The research project has two broad aims: First, to contribute to the development of suitable policy and legal framework for the protection of the rights of indigenous peoples; second, to build the capacity of relevant actors among indigenous peoples and government institutions.

35. The main outcome of the research will be a comprehensive documentation and database of relevant African legislation to be disseminated to all actors engaged in the promotion and protection of indigenous and tribal peoples' rights in Africa. The research will also enable continued dialogue in the African region on the protection of the rights of indigenous peoples.

36. Within this context, a workshop was held in Yaoundé in September 2006. The workshop in Yaoundé was the first in a series of three workshops envisaged in this project, the objective of which is to examine the extent to which the legal frameworks of African countries impact upon and protect the rights of indigenous peoples.

37. The workshops objective was to gather views and recommendations from indigenous representatives, other experts and various resource persons on the most efficient and suitable way of conducting the proposed research. Workshop participants determined the methodology and scope of the proposed research and identified criteria for selecting specific countries for more in-depth research, mapped existing research initiatives of this nature in the African region to avoid duplication and identified possible partners and resource persons to assist in the research. The workshop participants also discussed the categorization of the various rights of indigenous peoples and the methodological approach that should be taken by the research. Participants in the workshop included members of the African Commission on Human and Peoples' Rights, ILO, the CHR (University of Pretoria), the International Working Group on Indigenous Affairs, indigenous experts, other experts and researchers on subjects related to indigenous peoples, and non-governmental organizations working with indigenous peoples. The recommendations of the workshop are currently being followed up and the research is ongoing (the full report of the workshop can be found at www.ilo.org/indigenous).

5. Capacity-building for dialogue in South Asia

38. The project is focused on facilitating dialogue on indigenous issues in Nepal, Bangladesh, and India; involving and providing targeted training for government, indigenous institutions and civil society organizations. Where Convention No. 107 is in force (Bangladesh, India and Pakistan), it has been used as a platform for dialogue and capacity-building activities to raise awareness of indigenous issues. Additionally, a focus on decent work identifies the main barriers to employment and economic development of indigenous and tribal peoples in the areas concerned.

39. Activities under this project have been running for one year. Encouraging progress has been made in Nepal and Bangladesh in terms of promoting ILO standards on indigenous and tribal peoples (Conventions Nos. 169 and 107), particularly in the context of advocating effective participation in national decision-making processes and in promoting dialogue and cooperation between and among indigenous peoples and the respective Governments. In both of these countries, dialogues contribute to efforts to promote confidence and understanding in conflict situations between indigenous peoples and the State.

40. The main outcomes of the project so far have been research and national dialogues on indigenous and tribal peoples' rights in Bangladesh; development of training materials and training courses in South Asia generally; and national dialogues for the ratification of ILO Convention No. 169 in Nepal as an important element of the peace negotiations and the development of a decent work agenda for indigenous peoples in Nepal. The re-establishment of democracy in Nepal, the declaration of a ceasefire and the formation of an interim Government comprised of major political parties and the Maoists presents a new window of opportunity for the creation of a multi-ethnic State that reflects the genuine aspirations and social diversity of its citizens.

41. Convention No. 169 is being promoted as a framework for dialogue on these key issues of concern. In this context, ILO, in conjunction with its indigenous partner organizations, has been promoting the ratification and implementation of core principles of Convention No. 169 in ongoing peace negotiations. In particular, emphasis is being stressed on the need to apply the core principles of consultation

and participation of previously excluded groups, including indigenous peoples, in processes related to the forthcoming constituent assembly. Sustained lobbying and orientation sessions have resulted in a resolution being passed by Parliament, directing the government to ratify the Convention. The process is ongoing.

42. New initiatives in South Asia for the coming year include research into discrimination and shifting cultivation and studies on gender and discrimination among indigenous peoples in Nepal and Bangladesh; follow-up research on the inclusion of indigenous peoples in poverty reduction strategies in Nepal; case studies from India on progressive legislation and good practices related to indigenous and tribal peoples.

6. The Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples in Cambodia and Cameroon

43. The Project to Promote ILO Policy on Indigenous and Tribal Peoples has undertaken case studies in Cambodia and Cameroon on the relevance of poverty reduction strategy papers for indigenous and tribal peoples and their participation in the strategy papers' process. During 2005, these were finalized and launched at the international level (at the Permanent Forum in May 2005) and in their respective countries. For information on the recommendations from these reports and follow-up work, see section IV.B.3 of the present report.

Cameroon

44. As indicated in section II of the present report, the Project and the ILO Subregional Office in Yaoundé launched a national project in Cameroon in December 2006. The overall objectives of this project are to reinforce the capacity of actors involved in addressing indigenous issues in Cameroon and to facilitate dialogue between these actors in two main areas: for a more systematic consideration of the rights, needs and priorities of indigenous peoples; and for improved mechanisms for their effective participation in legislative, administrative and development processes affecting them. As such, the project contains four main components: the training of trainers and ongoing coaching on indigenous questions, in particular on legislative and development processes affecting them; support to networks of indigenous organizations and directly to indigenous organizations; training and sensitization of the tripartite partners of ILO on indigenous issues and on methodologies for working with these peoples; and development of a strategy to strengthen the consideration of indigenous peoples in national poverty reduction efforts.

45. Within this framework, a national project launch workshop was held in December 2006 in Yaoundé. The workshop brought together representatives of government, indigenous peoples' organizations and non-governmental organizations and other organizations to participate in a dialogue on the priorities and strategies for action. The overall objective of the workshop was to inform participants in more detail about the content of the project and to identify, with their participation, criteria for the identification of project partners and priority strategies and actions for the project to address in order to achieve its proposed outputs. Workshop participants identified a series of recommendations, entry points and priority actions (see the workshop report available at www.ilo.org/indigenous).

Cambodia

46. The Project to Promote ILO Policy on Indigenous and Tribal Peoples has been implementing a national project to promote a rights-based approach to indigenous peoples' development since April 2005. Within the framework of this project, the main activities have focused on promoting and facilitating the registration of indigenous communities' land rights within the framework of the 2001 Land Law of Cambodia, including training for indigenous communities in this regard; and on capacity-building for national and provincial government officials on the rights of indigenous peoples. In addition, the project has undertaken research on indigenous peoples' priorities for poverty reduction, and this will be followed up within the context of the poverty reduction strategy paper project outlined in section IV.B.3 of the present report.

47. In 2006, the project undertook a series of training activities for national and provincial government officials and facilitated the participation of governmental officials charged with mandates pertaining to indigenous peoples in the ILO subregional training on indigenous issues in Chiang Mai, outlined in section II.D of the present report. In addition, ILO worked through local partners in three provinces to implement capacity-building activities for indigenous communities in order to strengthen their internal organization and enable them to register their communities as legal entities, which is a precondition for the registration of communal title to land. Furthermore, the Project provided technical and legal advice to Government ministries in Cambodia charged with the registration of indigenous communities as legal entities.

48. The project has been renewed for the period from 2007 to 2008 and is engaging in a process to follow up on work initiated during the period from 2005 to 2006. Its current priorities are:

- Building the capacity of government institutions to adequately implement legal and administrative provisions for the protection of land rights and on governance issues for indigenous peoples
- Building the capacity of indigenous communities to organize themselves as legal entities in order to enable them to register their communal title to land
- Building the capacity of indigenous organizations to represent their own concerns and to train indigenous communities on their rights.

7. Technical assistance in the Republic of the Congo

49. In 2006, ILO, in collaboration with OHCHR, provided technical assistance to the Ministry of Justice of the Republic of the Congo, in the process of drafting a law on the rights of indigenous peoples. Assistance was provided in the form of training on indigenous peoples' rights for government officials, non-governmental organizations and indigenous representatives, support to workshops organized for the purposes of consultations on the draft law, and technical comments on the draft law. This is the first draft law that specifically addresses the rights of indigenous peoples in the African region.

8. Activities in Bolivia, Guatemala and Honduras

50. The Project aims at strengthening its assistance to countries that have ratified Convention No. 169 by facilitating dialogue and contributing to capacity-building for the implementation of the Convention. These activities will mainly address Latin American countries. In 2006, a number of initial activities were implemented.

Guatemala

51. In Guatemala, a high-level technical workshop on the consultation foreseen in ILO Convention No. 169 was organized in close collaboration between ILO and other United Nations agencies (including the United Nations Development Programme (UNDP), OHCHR and the United Nations Educational, Scientific and Cultural Organization). The workshop took place in Guatemala City from 29 November to 1 December 2006. The workshop was attended by indigenous and government representatives, academics and civil society members. Guatemala ratified Convention No. 169. The discussions and recommendations confirmed that, even though progress has been made, there are still challenges with regards to the application of Convention No. 169 in Guatemala, as in many other countries. These challenges refer in particular to the systematic and coordination action for implementation foreseen in the Convention and to the main topic of the workshop: consultation with indigenous peoples. Currently, there are no specific mechanisms to consult indigenous peoples in Guatemala and the main recommendation of the participants was thus to establish national mechanisms for consultation and to ensure an adequate institutionalization of these mechanisms.

Bolivia

52. In Bolivia, a bilateral programme to support the implementation of Convention No. 169 operates with a total budget of $32 million provided by the Danish Government from 2004 to 2008. The programme focuses on the titling of communal lands; indigenous management of the communal lands; and the mainstreaming of indigenous peoples' rights in policies and public institutions. In 2006, the Project provided technical assistance on two occasions to ensure the best possible alignment of the programme with the provisions of the Convention and with the comments provided by the ILO supervisory bodies.

53. In addition to this, ILO, along with the Ministry of the Presidency and UNDP, organized a seminar in August 2006 on the theme "Consultation with indigenous peoples in the context of Convention No. 169". The seminar was attended by indigenous and government representatives and United Nations and development agencies. The Project and UNDP also jointly supported a study on the challenges faced by the indigenous community Jhatun Ayllu Amarete with regards to achieving the Millennium Development Goals. The report was launched on 1 September 2006, in an event organized jointly by UNDP and the Bolivian Ministry for Foreign Affairs.

Honduras

54. In December 2006, the Project supported a capacity-building seminar on the achievement of, and challenges related to, the application of Convention No. 169 in Honduras, organized by the Confederation of Autochthonous Peoples of Honduras

and Alianza Verde, with two ILO presentations about the general principles of Convention No. 169 and, more specifically, the right to consultation.

55. Furthermore, the Project undertook a series of consultations with key government and indigenous and afro-descendant organizations, academics and representatives of employers in order to explore opportunities for providing longer-term technical assistance to Honduras. The main priorities were identified as legal advice and capacity-building concerning Convention No. 169; and the labour conditions of indigenous and afro-descendants, in particular child labour and the situation of Miskito divers.

C. Combating child labour among indigenous and tribal peoples

56. The Project and the International Programme on the Elimination of Child Labour have recently published the *Handbook on combating child labour among indigenous and tribal peoples* (see the Project Newsletter or www.ilo.org/indigenous).

D. Interregional Programme to Support Self-reliance of Indigenous and Tribal Communities through Cooperatives and other Self-help Organizations

57. The Interregional Programme to Support Self-reliance of Indigenous and Tribal Communities through Cooperatives and other Self-help Organizations (INDISCO) works for the improvement of the socio-economic situation of indigenous and tribal peoples on the basis of the core principles of Convention No. 169. Recently, INDISCO has focused on the following areas:

1. INDISCO and the Project to Promote ILO Policy on Indigenous and Tribal Peoples in the Philippines

58. In the Philippines, INDISCO is implemented following the framework of the Decent Work Country Programme and the rights-based approach by promoting the rights and reducing the poverty of indigenous and tribal peoples. It utilizes a dual strategy for intervention through both policy advice and capacity-building assistance under the combined programmes of the Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples and INDISCO.

59. INDISCO has implemented several pilot projects in indigenous cultural communities by facilitating support services and following culturally sensitive and participatory processes. Community ownership of projects was ensured by involving indigenous women and men from project planning to implementation.

60. Among the most important ILO-INDISCO activities in 2006 were: the ex-post self-evaluation workshop conducted in May 2006; the project on "Development and publication of case studies on the implementation of the Indigenous Peoples Rights Act in the Philippines", which published and launched the book "A journey of hope: implementing the Indigenous Peoples Rights Act of the Philippines"; and the project on support to poverty reduction and promotion of human rights among the indigenous peoples in the Philippines in the context of ancestral domain development and protection.

2. Partnership on promotion of Maasai cultural heritage

61. The overall objective of this partnership initiative, initiated in 2006, is to assist the Laikipia Maasai in Kenya in the protection, management, strengthening and promotion of their cultural heritage, for their own cultural and economic development.

62. The partnership idea grew out of initial discussions between the Maasai Heritage Preservation Foundation, ILO, the World Intellectual Property Organization and community consultations undertaken with the Laikipia Maasai. The partnership attempts to bring the different resources, experiences and approaches of the various partners together in an innovative process towards achieving the following goals:

- Reaching a consensus agreement within the Laikipia Maasai on how to protect and manage the cultural heritage of the community
- Developing adequate mechanisms for intellectual property protection of the Laikipia Maasai cultural heritage, particularly music, handicrafts and traditional medicine
- Developing capacity and institutional structures within the Laikipia Maasai community for the recording, protection, management, strengthening and promotion of cultural heritage and for the management and sharing of derived economic benefits
- Determining possible business models for the development, production and marketing of products based on the Laikipia Maasai cultural heritage (particularly music, handicrafts and medicine)
- Contributing to the development and documentation of experiences, good practices and tools for the protection, management, strengthening and promotion of the cultural heritage of indigenous communities.

63. In addition to these concrete outputs, it is also expected that the partnership will generate valuable experiences that serve as a model for other indigenous communities and for the Kenyan task force on traditional knowledge.

E. Gender mainstreaming

64. A recent desk review undertaken by ILO has conceptualized the links between Conventions Nos. 111 and 169 in terms of discrimination against indigenous peoples in employment and occupation. In order to provide further knowledge about discrimination as it pertains to indigenous women, the Project and the ILO gender bureau have decided to undertake a series of case studies concerning discrimination against indigenous women in Bangladesh and Nepal. These will be followed up in the future with additional reviews and a broader working paper. The overall objective of the project is to analyse the linkages between indigenous peoples' collective and individual rights and gender equality (as contained in Conventions Nos. 111 and 169) with a view to making policy recommendations for integrating gender considerations into projects affecting indigenous peoples. The specific objectives are:

- With reference to relevant ILO standards and practical examples, providing a broad overview of the main practical considerations and challenges when integrating gender issues into projects affecting indigenous peoples
- Providing recommendations on practical steps required in order to address these challenges.

F. In-Focus Programme to Promote the International Labour Organization Declaration on the Fundamental Principles and Rights at Work

65. Previously, the In-Focus Programme to Promote the International Labour Organization Declaration on the Fundamental Principles and Rights at Work has undertaken two major activities of direct relevance to indigenous and tribal peoples: the Ethnic Audit of poverty reduction strategy paper processes in 14 countries and research on indigenous peoples and forced labour in Latin America.

1. Special action programme to combat forced labour

66. Bolivia and Peru have set up national commissions mandated to develop effective policies against forced labour practices, while Paraguay has announced that it will open an office of the Ministry of Labour in the Chaco region. An ILO project, funded by Sweden, has as its objective providing an opportunity to support these developments and to scale up cooperation on the larger issue of discrimination against indigenous people in the labour market. This project seeks to promote an integrated approach to the fight against forced labour and discrimination, connecting initiatives to combat forced labour with broader social policies aimed at combating ethnic discrimination and promoting equality in the world of work.

2. Study on indigenous populations, labour options and opportunities in Peru

67. ILO is finalizing a study on indigenous populations, labour options and opportunities in Peru. The study intends to document the existence and the characteristics of discrimination in the labour market against indigenous groups, with a gender perspective. It intends to define the characteristics of labour activities in which indigenous individuals are involved; it addresses the reasons for the lower income levels of indigenous people; and it intends to propose adequate indicators for measuring discrimination related to indigenous origin. The study includes a gender analysis to determine whether indigenous men and women are discriminated against in different ways. The study analysed three cases (Lima, Cusco and Pucallpa) with different labour market contexts and with different indigenous presences. The final report will be launched in 2007.

G. Inter-agency activities

68. ILO has been actively involved in ongoing work at the international level in the Inter-Agency Support Group on Indigenous Issues, and has attended several meetings. In addition, ILO has undertaken to coordinate the submissions of different parts of the international system comparing their own policies on lands, resources

and territories, for a common Inter-Agency Support Group paper to the next session of the Permanent Forum.

H. Number of programmes devoted to indigenous issues in ILO (information linked to indicators of achievement set in its work)

69. ILO has two specific technical cooperation programmes that address indigenous and tribal peoples: the Project to Promote ILO Policy on Indigenous and Tribal Peoples, located in the International Labour Standards Department; and INDISCO, based in the Employment Sector. In addition, indigenous peoples' issues are among the priorities of a number of broader areas and programmes of ILO, including the:

- Supervision of the application of ratified Conventions undertaken by ILO supervisory bodies
- In-Focus Programme on Promoting the Declaration on Fundamental Principles and Rights at Work
- International Programme on the Elimination of Child Labour
- ILO gender bureau
- Papua Indigenous Peoples Empowerment project, Indonesia, supported under the United Nations Trust Fund for Human Security
- Red de Turismo Comunitario de America Latina.

V. Information and suggestions regarding territories, lands and natural resources

A. Studies on indigenous peoples' rights to lands, territories and resources and discrimination in employment and occupation

70. ILO has initiated work to raise awareness of the potential of Convention No. 111 as a framework for the promotion and protection of indigenous and tribal peoples' right to decent work opportunities.

71. Convention No. 111 is based on the right to engage in the work or occupation of one's choice without distinction on grounds such as race, colour, ethnicity or indigenous identity. Therefore, national policies and programmes to promote Convention No. 111 need to create a conducive environment for allowing indigenous and tribal peoples to engage in their traditional livelihood activities, if they decide to do so.

72. Due to the fact that indigenous and tribal peoples' traditional livelihood activities are performed in and for the community and on the basis of collective resources (particularly land and natural resources), individual and collective rights have to be taken into account in the design and implementation of any national policy to promote equality of opportunity in employment and occupation under Convention No. 111.

73. In addition to avoiding indirect discrimination, it may be necessary to adopt special measures, such as protection and assistance, which favour indigenous and tribal peoples (for example special budget allocations or special mechanisms to combat infringements of their land rights). Such are not deemed to be discrimination vis-à-vis the rest of the population, as Convention No. 111 specifically allows for the accommodation of particular requirements of certain groups, including with a view to eliminating past or persisting discrimination. Convention No. 111 specifically refers to special measures provided for under other ILO conventions (including those concerning indigenous and tribal peoples).

74. In sum, a number of direct and indirect linkages between discrimination against indigenous and tribal peoples in employment and occupation, traditional occupations, and access to lands, territories and resources, can be found in the application of Conventions Nos. 107, 169 and 111. Such linkages have been explicitly recognized by the supervisory bodies of ILO.

75. ILO is currently undertaking three case studies and an overview study to address the interlinked issues of rights to lands, territories and resources, traditional occupations and other forms of subsistence activities and discrimination in employment and occupation. The studies are being undertaken in Bangladesh, Nepal and Kenya. All three countries have ratified ILO Convention No. 111, and Bangladesh has ratified Convention No. 107.

76. The overall objective of the studies is to contribute to the understanding of indigenous and tribal peoples' rights to land, territories and resources as a precondition for the recognition of their traditional occupations, with specific reference to ILO Convention No. 111.

77. The immediate objectives are to:

- Provide an overview of the main policy and legal issues associated with indigenous peoples' exercise of traditional occupations (shifting cultivation, pastoralism and hunting-gathering), with specific reference to Convention No. 111
- Provide recommendations for priority strategies and actions in the context of Convention No. 111, in order to address the challenges and issues identified
- Contribute to the work of the Permanent Forum in its discussion of indigenous peoples' rights to lands, territories and resources
- Contribute to the discussion at national level in Bangladesh, Nepal and Kenya on the recognition of indigenous peoples' traditional occupations (shifting cultivation, pastoralism and hunting and gathering).

B. Land issues in Cambodia

78. ILO has been working on indigenous issues in connection to land issues in Cambodia since April 2005. The main elements of this work are highlighted in section IV.B.6 of the present report. In February 2007, OHCHR, ILO and the non-governmental organization Forum on Cambodia hosted a seminar on indigenous peoples and access to land in Cambodia. The seminar brought together representatives of the Government of Cambodia, indigenous communities,

non-governmental organizations, development partners and United Nations agencies to discuss issues pertaining to land issues and indigenous peoples in Cambodia.

79. Key issues of concern raised during the seminar discussions included:

- The alienation of indigenous land and loss of access to forests that are vital to livelihoods
- Implementation of existing laws providing for the protection of indigenous rights to lands and natural resources
- Coordination between different ministries with mandates relating to indigenous peoples' access to land and natural resources
- The need for indigenous communities to define their own development priorities and participate meaningfully in decision-making affecting their lands and natural resources.

80. Key recommendations identified by seminar participants included:

- Taking concrete measures to halt land alienation in indigenous communities, for example, through a moratorium on the sale and registration of land and the granting of economic land and other concessions in areas occupied by indigenous peoples
- Assisting indigenous communities to register as legal entities
- Assisting indigenous communities to map the boundaries of their communal land and providing interim recognition of these lands pending the legal registration of indigenous communities and of collective title; finalizing the legal and policy framework for the registration of collective title as a matter of urgency
- Supporting indigenous peoples to prepare claims for collective title.

VI. Input towards a questionnaire to enhance organizations' reporting to the Permanent Forum

81. **In order to enhance the reporting to the Permanent Forum with a view to strengthening practical coordination and ensuring follow-up to recommendations, some efforts could be made in order to have more specifically focused discussions during the sessions of the Permanent Forum, which could lead to a limited number of key recommendations. This would enable the agencies to integrate new issues and recommendations in longer-term processes of addressing indigenous peoples' needs and priorities, in accordance with the differentiated mandates and structures of the agencies.**

82. **A questionnaire to agencies should have the ultimate aim of making the reports of those agencies more useful for the specific purposes of the Permanent Forum. Therefore, such a questionnaire should encourage a more focused approach in agencies' reports. This would entail requesting the agencies not only to outline their various normative instruments, policies, programmes or activities in respect of indigenous peoples, but also to highlight the specific challenges associated with the implementation of such normative instruments, policies, programmes or activities and to make recommendations to address those challenges that are specifically relevant for discussion by the Permanent Forum.**